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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,361	02/06/2004	Tsuncnori Soma	03500.017891.	5039
5514 7590 08/19/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER VO, ANH T N				
ART UNIT 2861		PAPER NUMBER		
MAIL DATE 08/19/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,361

Applicant(s)

SOMA, TSUNENORI

Examiner

Anh T.N. Vo

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 18, 19 and 26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 6, 18, 19 and 26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

FINAL REJECTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 18-19 and 26 are rejected under 35 USC 103 (a) as being unpatentable over Asauchi et al (US 7,059,699) in view of Courtin et al (FR2579856A).

Asauchi et al discloses in Figures 5-21 a printing device comprising:

- a liquid supply section (60) having a plurality of sets of at least a liquid ejecting nozzle (28 in Figure 6a);
- a liquid containing section (107F, 107K) communicating with the liquid ejecting nozzle (28) and an inherent supply port for supplying liquid to the liquid containing section which has a plurality of holding sections (107F, 107K) for holding different types of liquid and an information recording body storing information (108F, 108K) being provided with information relating to at least information indicating that it is a liquid supplying side, information specifying a region of the liquid ejection section, and information indicating the time limit of use and the authorized number of times of supply of liquid contained in said liquid supply sect/on;
- wherein the ink containers (107F, 107K) inherently comprise chambers (wells) for containing inks and are provided on an inherent housing or deport for securely supplying the inks to the head (60).

- wherein said method comprising reading said information by a unit (66) and supplying liquid to be applied from said liquid supply section (60) to said liquid ejection section (60) by way of said supply ports according to said information, see column 6 in which the ejected ink is counted and the remaining ink is calculated to determine a time limit and the authorized number of use or prints.

However, Asauchi et al fails to suggest a mechanism to suck and deliver liquid as called for in claims 6, 18 and 26.

Nevertheless, Courtin et al suggests in Figures 1-2 using a syringe (2) to suck and deliver ink to provide a controllable mechanism for controlling position and pressure operate ink flow, see the Abstract.

It would have been obvious to a person having skill in the art at the time the invention was made to employ the syringe as suggested by Courtin et al in the device of Asuchi et al for the purpose of providing controllable mechanism to control position and pressure operate ink flow.

Response to Applicant's Arguments

The applicant argues that Asauchi does not suggest the mechanism for sucking and delivering the liquid. The arguments are not persuasive because the claimed mechanism is suggested by Courtin et al as stated above.

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the Mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Monday to Friday from 9:00 A.M.to 5:30 P.M..
The fax number of this Group 2861 is (571) 273-8300.

/Anh T.N. Vo/
Primary Examiner, Art Unit 2861
August 15, 2008